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A RECORD OF THE DARKER RACES

Editor: James W. Ivy
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June-July, 1954

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Reflex Photo Ser

MAYOR ISSUES PROCLAMATION—*Mayor Joseph S. Clark, Jr., of Philadelphia, Pennsylvania, is shown as he issued a proclamation designating May 2 to June 2 as the period for the NAACP Member Drive in Philadelphia. Quota for the 1954 campaign is 12,000 members. Others shown from left are Mrs. Caskie Stinnett, campaign promotion director; Dr. Harry J. Greene, president of the local branch; and Dr. William H. Gray, chairman of the branch membership campaign.*

Text of United States Supreme Court Decision Outlawing Negro Segregation in the Public Schools

Herewith are the texts of the Supreme Court's historic decision as read by Chief Justice Earl Warren on Monday, May 17, 1954, in the racial segregation cases of four states—Kansas, South Carolina, Virginia, and Delaware—and the District of Columbia.

NOS. 1, 2, 4 AND 10.—OCTOBER TERM, 1953.

1	Oliver Brown, et al. Appellants, *v.* Board of Education of Topeka, Shawnee County, Kansas, et al.	On Appeal From the United States District Court for the District of Kansas.
2	Harry Briggs, Jr., et al., Appellants, *v.* R. W. Elliott, et al.	On Appeal From the United States District Court for the Eastern District of South Carolina.
4	Dorothy E. Davis, et al., Appellants, *v.* County School Board of Prince Edward County, Virginia, et al.	On Appeal From the United States Court for the Eastern District of Virginia.
10	Francis B. Gebhart, et al., Petitioners, *v.* Ethel Louise Belton, et al.	On Writ of Certiorari to the Supreme Court of Delaware.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.[1]

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they have been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy* v. *Ferguson*, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction.[2] Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court.[3]

Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among "all persons born or naturalized in the United States." Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment's history, with respect to segregated schools, is the status of public education at that time.[4] In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost non-existent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public education had already advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but three months a year in many states; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discrimination against the Negro race.[5] The doctrine of "separate but equal" did

not make its appearance in this Court until 1896 in the case of *Plessy* v. *Ferguson, supra,* involving not education but transportation.[6] American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal" doctrine in the field of public education.[7] In *Cumming* v. *County Board of Education,* 175 U. S. 528, and *Gong Lum* v. *Rice,* 275 U. S. 78, the validity of the doctrine itself was not challenged.[8] In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. *Missouri ex rel. Gaines* v. *Canada,* 305 U. S. 337; *Sipuel* v. *Oklahoma,* 332 U. S. 631; *Sweatt* v. *Painter,* 339 U. S. 629; *McLaurin* v. *Oklahoma State Regents,* 339 U. S. 637. In none of these cases was it necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt* v. *Painter, supra,* the Court expressly reserved decision on the question whether *Plessy* v. *Ferguson* should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike *Sweatt* v. *Painter,* there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors.[9] Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt* v. *Painter, supra,* in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In *McLaurin* v. *Oklahoma State Regents, supra,* the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: ". . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others

of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

> "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."[10]

Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority.[11] Any language in *Plessy* v. *Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.[12]

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question—the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term.[13] The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as *amici curiae* upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.[14]

It is so ordered.

FOOTNOTES

[1]

In the Kansas case, *Brown* v. *Board of Education*, the plaintiffs are Negro children of elementary school age residing in Topeka. They brought this action in the United States District Court for the District of Kansas to enjoin enforcement of a Kansas statute which permits, but does not require, cities of more than 15,000 population to maintain separate school facilities for Negro and white students. Kan. Gen. Stat. § 72-1724 (1949). Pursuant to that authority, the Topeka Board of Education elected to establish segregated elementary schools. Other public

schools in the community, however, are operated on a nonsegregated basis. The three-judge District Court, convened under 28 U. S. C. §§ 2281 and 2284, found that segregation in public education has a detrimental effect upon Negro children, but denied relief on the ground that the Negro and white schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. 98 F. Supp. 797. The case is here on direct appeal under 28 U. S. C. § 1253.

In the South Carolina case, *Briggs* v. *Elliott*, the plaintiffs are Negro children of both elementary and high school age residing in Clarendon County. They brought this action in the United States District Court for the Eastern District of South Carolina to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. S. C. Const., Art. XI, § 7; S. C. Code § 5377 (1942). The three-judge District Court, convened under 28 U. S. C. §§ 2281 and 2284, denied the requested relief. The court found that the Negro schools were inferior to the white schools and ordered the defendants to begin immediately to equalize the facilities. But the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 98 F. Supp. 529. This Court vacated the District Court's judgment and remanded the case for the purpose of obtaining the court's views on a report filed by the defendants concerning the progress made in the equalization program. 342 U. S. 350. On remand, the District Court found that substantial equality had been achieved except for buildings and that the defendants were proceeding to rectify this inequality as well. 103 F. Supp. 920. The case is again here on direct appeal under 28 U. S. C. § 1253.

In the Virginia case, *Davis* v. *County School Board*, the plaintiffs are Negro children of high school age residing in Prince Edward County. They brought this action in the United States District Court for the Eastern District of Virginia to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Va. Const., § 140; Va. Code § 22-221 (1950). The three-judge District Court, convened under 28 U. S. C. §§2281 and 2284, denied the requested relief. The court found the Negro school inferior in physical plant, curricula, and transportation, and ordered the defendants forthwith to provide substantially equal curricula and transportation and to "proceed with all reasonable diligence and dispatch to remove" the inequality in physical plant. But, as in the South Carolina case, the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 103 F. Supp. 337. The case is here on direct appeal under 28 U. S. C. § 1253.

In the Delaware case, *Gebhart* v. *Belton*, the plaintiffs are Negro children of both elementary and high school age residing in New Castle County. They brought this action in the Delaware Court of Chancery to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Del. Const., Art. X, §2; Del. Rev. Code §2631 (1935). The Chancellor gave judgment for the plaintiffs and ordered their immediate admission to schools previously attended only by white children, on the ground that the Negro schools were inferior with respect to teacher training, pupil-teacher ratio, extra-curricular activities, physical plant, and time and distance involved in travel. 87 A. 2d 862. The Chancellor also found that segregation itself results in an inferior education for Negro children (see note 10, *infra*), but did not rest his decision on that ground. *Id.*, at 865. The Chancellor's decree was

affirmed by the Supreme Court of Delaware, which intimated, however, that the defendants might be able to obtain a modification of the decree after equalization of the Negro and white schools had been accomplished. 91 A. 2d 137, 152. The defendants, contending only that the Delaware courts had erred in ordering the immediate admission of the Negro plaintiffs to the white schools, applied to this Court for certiorari. The writ was granted, 344 U. S. 891. The plaintiffs, who were successful below, did not submit a cross-petition.

[2]

344 U. S. 1, 141, 891.

[3]

345 U. S. 972. The Attorney General of the United States participated both Terms as *amicus curiae*.

[4]

For a general study of the development of public education prior to the Amendment, see Butts and Cremin, A History of Education in American Culture (1953), Pts. I, II; Cubberley, Public Education in the United States (1934 ed.), cc. II-XII. School practices current at the time of the adoption of the Fourteenth Amendment are described in Butts and Crimen, *supra*, at 269-275; Cubberley, *supra*, at 288-339, 408-431; Knight, Public Education in the South (1922), cc. VIII, IX. See also H. Ex. Doc. No. 315, 41st Cong., 2d Sess. (1871). Although the demand for free public schools followed substantially the same pattern in both the North and South, the development in the South did not begin to gain momentum until about 1850, some twenty years after that in the North. The reasons for the somewhat slower development in the South (e. g., the rural character of the South and the different regional attitudes toward state assistance) are well explained in Cubberley, *supra*, at 408-423. In the country as a whole, but particularly in the South, the War virtually stopped all progress in public education. *Id.*, at 427-428. The low status of Negro education in all sections of the country, both before and immediately after the War, is described in Beale, A History of Freedom of Teaching in American Schools (1941), 112-132, 175-195. Compulsory school attendance laws were not generally adopted until after the ratification of the Foruteenth Amendment, and it was not until 1918 that such laws were in force in all the states. Cubberly, *supra*, at 563-565.

[5]

Slaughter-House Cases, 16 Wall. 36, 67-72 (1873); *Strauder* v. *West Virginia*, 100 U. S. 303, 307-308 (1879):
"It ordains that no State shall deprive any person of life, liberty, or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the State, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color? The words

of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity, or right, most valuable to the colored race,—the right to exemption from unfriendly legislation against them distinctively as colored, —exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps towards reducing them to the condition of a subject race." See also *Virginia* v. *Rives*, 100 U. S. 313, 318 (1879); *Ex parte Virginia*, 100 U. S. 339, 344-345 (1879).

[6]

The doctrine apparently originated in *Roberts* v. *City of Boston*, 59 Mass. 198, 206 (1849), upholding school segregation against attack as being violative of a state constitutional guarantee of equality. Segregation in Boston public schools was eliminated in 1855. Mass. Acts 1855, c. 256. But elsewhere in the North segregation in public education has persisted until recent years. It is apparent that such segregation has long been a nationwide problem, not merely one of sectional concern.

[7]

See also *Berea College* v. *Kentucky*, 211 U. S. 45 (1908).

[8]

In the *Cumming* case, Negro taxpayers sought an injunction requiring the defendant school board to discontinue the operation of a high school for white children until the board resumed operation of a high school for Negro children. Similarly, in the *Gong Lum* case, the plaintiff, a child of Chinese descent, contended only that state authorities had misapplied the doctrine by classifying him with Negro children and requiring him to attend a Negro school.

[9]

In the Kansas case, the court below found substantial equality as to all such factors. 98 F. Supp. 797, 798. In the South Carolina case, the court below found that the defendants were proceeding "promptly and in good faith to comply with the court's decree." 103 F. Supp. 920, 921. In the Virginia case, the court below noted that the equalization program was already "afoot and progressing" (103 F. Supp. 337, 341); since then, we have been advised, in the Virginia Attorney General's brief on reargument, that the program has now been completed. In the Delaware case, the court below similarly noted that the state's equalization program was well under way. 91 A. 2d 137, 149.

[10]

A similar finding was made in the Delaware case: "I conclude from the testimony that in our Delaware society, State-imposed segregation in education itself results in the Negro children, as a class, receiving educational opportunities which are substantially inferior to those available to white children otherwise similarly situated." 87 A. 2d 862, 865.

[11]

K. B. Clark, Effect of Prejudice and Discrimination on Personality Development (Midcentury White House Conference on Children and Youth, 1950); Witmer and Kotinsky, Personality in the Making (1952), c. VI; Deutscher and Chein, The Psychological Effects of Enforced Segregation: A Survey of Social Science Opinion, 26 J. Psychol. 259 (1948); Chein, What are the Psychological Effects of Segregation Under Conditions of Equal Facilities?, 3 Int. J. Opinion and Attitude Res. 229 (1949); Brameld, Educational Costs, in Discrimination and National Welfare (MacIver, ed., 1949), 44-48; Frazier, The Negro in the United States (1949), 674-681. And see generally Myrdal, An American Dilemma (1944).

[12]

See *Bolling* v. *Sharpe, infra,* concerning the Due Process Clause of the Fifth Amendment.

[13]

"4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment

"(*a*) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

"(*b*) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

"5. On the assumption on which questions 4 (*a*) and (*b*) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4 (*b*),

"(*a*) should this Court formulate detailed decrees in these cases;

"(*b*) if so, what specific issues should the decrees reach;

"(*c*) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

"(*d*) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so, what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?"

[14]

See Rule 42, Revised Rules of this Court (effective July 1, 1954).

No. 8.—October Term, 1953.

Spottswood Thomas Bolling, et al., Petitioners, *v.* C. Melvin Sharpe, et al.	On Writ of Certiorari to the United State Court of Appeals for the District of Columbia Circuit.

[May 17, 1954.]

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

This case challenges the validity of segregation in the public schools of the District of Columbia. The petitioners, minors of the Negro race, allege that such segregation deprives them of due process of law under the Fifth Amendment. They were refused admission to a public school attended by white children solely because of their race. They sought the aid of the District Court for the District of Columbia in obtaining admission. That court dismissed their complaint. We granted a writ of certiorari before judgment in the Court of Appeals because of the importance of the constitutional question presented. 344 U.S. 873.

We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools.[1] The legal problem in the District of Columbia is somewhat different, however. The Fifth Amendment, which is applicable in the District of Columbia, does not contain an equal protection clause as does the Fourteenth Amendment which applies only to the states. But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. The "equal protection of the laws" is a more explicit safeguard of prohibited unfairness than "due process of law," and, therefore, we do not imply that the two are always interchangeable phrases .But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process.[2]

Classifications based solely upon race must be scrutinized with particular care, since they are contrary to our traditions and hence constitutionally suspect.[3] As long ago as 1896, this Court declared the principle "that the Constitution of the United States, in its present form, forbids, so far as civil and political rights are concerned, discrimination by the General Government, or by the States, against any citizen because of his race." [4] And in *Buchanan* v. *Warley*, 245 U. S. 60, the Court held that a statute which limited the right of a property owner to convey his property to a person of another race was, as an unreasonable discrimination, a denial of due process of law.

Although the Court has not assumed to define "liberty" with any great precision, that term is not confined to mere freedom from bodily restraint. Liberty under law extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective. Segregation in public education is not reasonably related to any proper governmental objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause.

In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government.[5] We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment to the Constitution.

For the reasons set out in *Brown* v. *Board of Education*, this case will be restored to the docket for reargument on Questions 4 and 5 previously propounded by the Court. 345 U. S. 972.

It is so ordered.

FOOTNOTES

[1]

Brown v. *Board of Education*, —— U. S. ——.

[2]

Detroit Bank v. *United States*, 317 U. S. 329; *Currin* v. *Wallace*, 306 U. S. 1, 13-14; *Steward Machine Co.* v *Davis*, 301 U. S. 548, 585.

[3]

Korematsu v. *United States*, 323 U. S. 214, 216; *Hirabayashi* v. *United States*, 320 U. S. 81, 100.

[4]

Gibson v. *Mississippi*, 162 U. S. 565, 591. Cf. *Steele* v. *Louisville & Nashville R. Co.*, 323 U. S. 192, 198-199.

[5]

Cf. *Hurd* v. *Hodge*, 334 U. S. 24.

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PRIZE WINNERS—*The Bridgeport-Stratford branch closed its 1954 membership campaign with 500 members. NAACP labor relations assistant Herbert Hill was guest speaker at the final report meeting of the campaign held in the East End Baptist church. From left, Mrs. Annette McCloe, first prize winner for 85 members; Herbert Hill; Mrs. Martha Mitchell, campaign chairman; Rev. Mr. George Wainright, proxy for Claude Parker, second prize winner with 70 members. The prizes were donated by James Leon, local business man.*

Athens College

Athens, Alabama

DEAN-REGISTRAR OFFICE

FOUNDED 1842

June 2, 1954

Herbert L. Wright
Youth Secretary, NAACP
20 W. 40th Street,
New York 18, N. Y.

Dear Sir:

We thank you for the list of negro teachers who aspire to teach in white colleges. The same is being returned to you with our compliments.

You are most presumptious in believing that so soon after the Supreme Court ruling, that private white colleges are ready to hire "nigger" teachers. We will probably never hire any of them. Your northers "Yankee" friends will employ them. Not us.

Don't insult us any more with such expectations.

Yours truly

F. S. Ward

F. S. Ward, Registrar

EDITOR'S NOTE - THIS LETTER SPEAKS FOR ITSELF. NO COMMENT NEEDED.

■ Background material for an understanding of the Supreme Court decision in the five school cases

History of the Five School Cases

OF the five school cases which were on appeal from lower courts, four were handled and sponsored by the NAACP. The fifth, from the District of Columbia, was financed by a local organization known as the Consolidated Parents, Inc. The attorneys, however, are all members of the NAACP legal committee; thus, the five cases were the joint efforts of NAACP lawyers.

The issue in all five cases was whether the states and the District of Columbia had the constitutional power to segregate white and Negro students in separate schools at the elementary and secondary level. The Association lawyers, acting in behalf of the parents and Negro children, in each case maintained that segregation *per se* is discrimination and, accordingly, a violation of the equal protection clause of the 14th Amendment to the Constitution of the United States. The District of Columbia case was based on the due process clause of the 5th Amendment.

The lower courts, in four of the cases, based their opinion on the "separate but equal" doctrine under which segregation has been sustained as long as the facilities are equal.

The separate but equal ruling was handed down in 1896 by the U. S. Supreme Court in a case (*Plessy v. Ferguson*) involving segregation in transportation only. The ruling had afterwards been denounced as a mistake and even the U. S. Department of Justice had asked that it be corrected.

The educational equality as required by the Constitution calls for a fair evaluation of all phases of the child's educational development in which the government has a hand. Therefore, the testimony given by leading scientists on the adverse effects segregation itself has on the educational development of Negroes as well as children of other minority groups was relied upon as demonstrating that educational opportunities for Negro children would be inferior as long as they were forced to attend segregated schools, despite the quality of the physical facilities.

SOUTH CAROLINA CASE

The South Carolina State constitution provides:

"Separate schools shall be pro-

vided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race."

Negro parents of Clarendon county, after making several appeals to the county school board for better facilities for their children, filed a petition with the county board of education in November, 1949, asking for equalization of educational opportunities. Receiving no satisfaction, the parents then sought the aid of the NAACP. On May 16, 1950, attorneys for the NAACP filed the original suit in the Federal District Court in Charleston. The court was asked to issue an injunction "restraining an enjoining the school board from making a distinction on account of race and color in maintaining public schools for Negro children which are far inferior to those maintained for white children."

At a pre-trial hearing in November, 1950, it was indicated that the real objective of the suit was to abolish segregation. It was then agreed that the case should be heard by a three-judge court.

Arguments were heard on May 28 and 29, 1951, before Senior Circuit Judge John J. Parker of Charlotte, N. C., Federal District Judges J. Waties Waring of Charleston, and George Bell Timmerman of Batesburg, S. C.

Chief counsel for the State, Robert McC. Figg, admitted to the Court that the Negro schools were inferior to those maintained for white children and asked the court to grant time in which to remedy the situation, explaining that South Carolina had levied a 3 percent sales tax and floated a $75,000,000 bond issue to provide equal school facilities.

On June 21, 1951, the three-judge Federal court handed down a two-to-one decision upholding segregation but ordering the school board to furnish Negroes with "educational facilities, equipment, curricula, and opportunities equal to those furnished white pupils." School officials were ordered to report back to the court within six months on the progress made towards equalization.

A petition for appeal was filed with the U. S. Supreme Court on July 20, 1951. The high court was asked to hand down a definite ruling "as to whether racial separation in public elementary and high schools is a constitutionally possible pattern."

The NAACP petition pointed out that the issue had been clarified on the graduate and professional school levels. "The Court has never had the opportunity to consider the question as to elementary and high schools on the basis of a full and complete record with the issue clearly drawn and with the competent expert testimony," it stated.

January 28, 1952, the Supreme Court sent the case back to the lower court on the ground that the latter had not given its opinion on the report submitted to it by school officials at the end of the six-month period, as ordered. Justices William O. Douglas and Hugo Black dissented on the ground that *the report was irrelevant to the segregation issue presented.*

On February 7, NAACP attorneys submitted a motion for judgment to the District Court, contending that the children they represented could "get no immediate relief except by

issuance of a final judgment of this court enjoining the enforcement of the policy of racial segregation."

Following this second hearing on March 3, the three-judge court again upheld segregation.

May 10, 1952, the NAACP attorneys again asked the Supreme Court to review the case and in June, 1952, the Court agreed to hear the appeal.

South Carolina retained John W. Davis, a New York lawyer who was the Democratic candidate for President in 1924, to argue its side, and Thurgood Marshall, NAACP special counsel and director-counsel of the NAACP legal Defense and Educational Fund, Inc., represented the 67 Negro children and their parents in the U. S. Supreme Court on the original argument, December 9-10, 1952.

The case was tried in the lower court by Marshall, Robert L. Carter, NAACP assistant counsel, and Harold Boulware of South Carolina.

TOPEKA, KANSAS, CASE

Segregation in the Kansas schools was maintained under a state general statute which allows school boards in first-class cities having more than 15,000 population to set up separate schools for white and Negro children in the elementary grades only. Separate schools were also allowed in the high schools of Kansas City. However, segregation was not mandatory and could have been abolished by local school board officials.

In Topeka, Negro children had to pass nearby white schools to travel from a mile and a half to two miles to attend the segregated schools maintained for them. In 1950 their parents appealed to the NAACP, whose attorneys filed a suit with the U. S. District Court in behalf of 20 Negro children and 13 parents. They asked the court to grant a declaratory judgment and injunction invalidating the Kansas segregation statute.

The following June, an amended complaint was filed, asking the court to issue a permanent injunction restraining the Board of Education from setting up separate schools for white and Negro children. The case was heard on June 25, 1951, before Judge Walter A. Huxman of the U. S. Circuit Court of Appeals, and Judges Arthur J. Mellot and Delmas C. Hill of the U. S. District Court.

While the three-judge Federal District Court upheld the constitutionality of segregation, it acknowledged that "segregation of white and colored children in the public schools has a detrimental effect upon colored children."

NAACP lawyers asked the U. S. Supreme Court to review the case in October 1951. Robert L. Carter, NAACP assistant counsel, argued for the Negro pupils and their parents. He was assisted in the lower court by Charles Scott of Topeka. Paul Wilson, Assistant Attorney General of Kansas, represented the State in the Supreme Court.

The Topeka School Board on September 3, 1953 passed a resolution calling for the termination of segregation in the Topeka elementary school system "as rapidly as practicable." As of now two of the city's twenty-two elementary schools are integrated.

VIRGINIA CASE

This case involved the high school facilities in Prince Edward county,

Virginia. It opened on February 25, 1952, before a special three-judge federal court in Richmond, with NAACP attorneys Spottswood W. Robinson, III, Oliver W. Hill and Robert L. Carter representing the parents of the Negro children who sought entrance to the so-called white schools.

This case was called the most comprehensive education suit brought by NAACP attorneys thus far. An outstanding group of expert witnesses from the fields of psychology, psychiatry, sociology, anthropology, education, and statistics testified as to the harmful effects segregation has on school children.

On the last afternoon of the five-day trial, the plaintiffs presented four rebuttal witnesses to refute statements made by witnesses for the State. One of these, a statistician, gave evidence to show that at the rate of equalization proposed by the State, facilities for Negro children could not be brought to a level equal to those provided for whites until 1979, twenty-seven years in the future.

Judges Armistead M. Dobie, Sterling Hutcheson, and Albert V. Bryan handed down a decision on March 7, 1952, agreeing that the segregated Negro high school was vastly inferior to the white high school, but refusing to hold that Negro children could not be forced to attend the segregated school. Instead, *it upheld the constitutionality of segregation in the school system* but ordered that the white and Negro schools be equalized.

NAACP attorneys filed an appeal with the United States Supreme Court on May 5, 1952, seeking reversal of the lower court decision. In its appeal, the lawyers argued that equal educational opportunities involved more than mere parity in physical facilities and curricula—that they also include equality in every educational factor significant to the development of mind and character. The appeal asserted that this kind of equality is impossible within the framework of segregation. Spottswood W. Robinson, III, argued the cause in the Supreme Court December, 1953, and was opposed by T. Justin Moore and State Attorney General J. Lindsay Almond.

DELAWARE CASE

The Delaware case involved two cases which were tried together: the Claymont High School of North Wilmington and the Hockessin school #29, an elementary school in South Wilmington. Negro children who live near the two schools had been refused admission and referred to the Howard High School in Wilmington and the Hockessin school #107, respectively, both segregated schools.

Parents of the Negro pupils refused to let their children attend the Negro schools on the grounds that they were racially segregated schools and that such schools were unconstitutional and inflicted psychological injury on them. Also, they claimed, the schools were in every physical respect unequal to the two to which they sought admission.

The case was filed in the District Court in 1951 and came up for trial before Chancellor Collins J. Seitz October 22 to 25, 1951.

Judge Seitz found that the schools maintained for Negro pupils were

quite inferior to those set aside for white children. However, because the United States Supreme Court had not yet ruled on the issue of segregation *per se* he did not order Negro children to be admitted on the grounds of segregation, but *did order the Claymont High School and the Hockessin school* #29 *to cease excluding Negro children because of the physical inequalities of the other schools.*

The state appealed Judge Seitz' ruling to the Supreme Court of Delaware, which affirmed the decision. The state court also refused to issue a stay of execution as requested by the schools and, *as a result, Negro children are now attending the once all-white schools with absolutely no incidents.* The state appealed the decision of the U. S. Supreme Court and the Court granted certiorari on November 13, 1952.

NAACP attorneys who handled the case throughout were Jack Greenburg of New York and Louis Redding of Wilmington. The Attorney General opposed.

DISTRICT OF COLUMBIA

On September 11, 1950, Negro children, with their parents, presented themselves for enrollment at the Sousa Junior High School, maintained exclusively for white children, and were refused admission. After an appeal was taken to the Board of Education, suit was filed in the District Court.

It was alleged in the complaint that refusal to permit Negro children to attend Sousa Junior High School solely on the basis of race violated the Fifth Amendment to the Federal Constitution. The case was dismissed on motion without a trial on the merits, and while pending in the Court of Appeals, the U. S. Supreme Court indicated in October 1952 that it would grant certiorari if applied for. Petition was filed and granted and the case argued last December with the four state cases.

In the Supreme Court, two arguments were advanced: (1) that the District of Columbia had no statutory authority to maintain segregated schools, and (2) if such authority was found to have been granted by Congress, it was in violation of the Fifth Amendment.

The children were represented in the Supreme Court by James M. Nabrit and George Hayes of Washington, D. C.

All five cases were argued before the High Court December 8-9, 1953, but no decision was rendered. In June 8, the Court proposed its now famous five questions and invited the Attorney General of the United States to take part in the oral argument and file an additional brief "if he so desired."

The former Attorney General of the United States had filed a brief for the Justice Department, in which he stated that segregated schools should be abolished and that the separate but equal doctrine should be discarded.

The cases were originally scheduled for reargument October 12, but were postponed at the request of the Attorney General Brownell to December 7, 1953.

FIVE QUESTIONS

The five questions posed by the Supreme Court on June 8, 1953, (which were answered in the

NAACP brief) are as follows:

1. What evidence is there that the Congress which submitted and the State legislatures and conventions which ratified the Fourteenth Amendment contemplated or did not contemplate, understood or did not understand, that it would abolish segregation in public schools?

2. If neither the Congress in submitting nor the States in ratifying the Fourteenth Amendment understood that compliance with it would require the immediate abolition of segregation in public schools, was it nevertheless the understanding of the framers of the Amendment.

(a) that future Congresses might, in the exercise of their power under S 5 of the Amendment, abolish such segregation, or

(b) that it would be within the judicial power, in light of future conditions, to construe the Amendment as abolishing such segregation of its own force?

3. On the assumption that the answers to questions 2(a) and (b) do not dispose of the issue, is it within the judicial power, in construing the Amendment, to abolish segregation in public schools?

4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment,

(a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

(b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

5. On the assumption on which questions 4(a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),

(a) should this Court formulate detailed decrees in these cases;

(b) if so what specific issues should the decrees reach;

(c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

(d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?

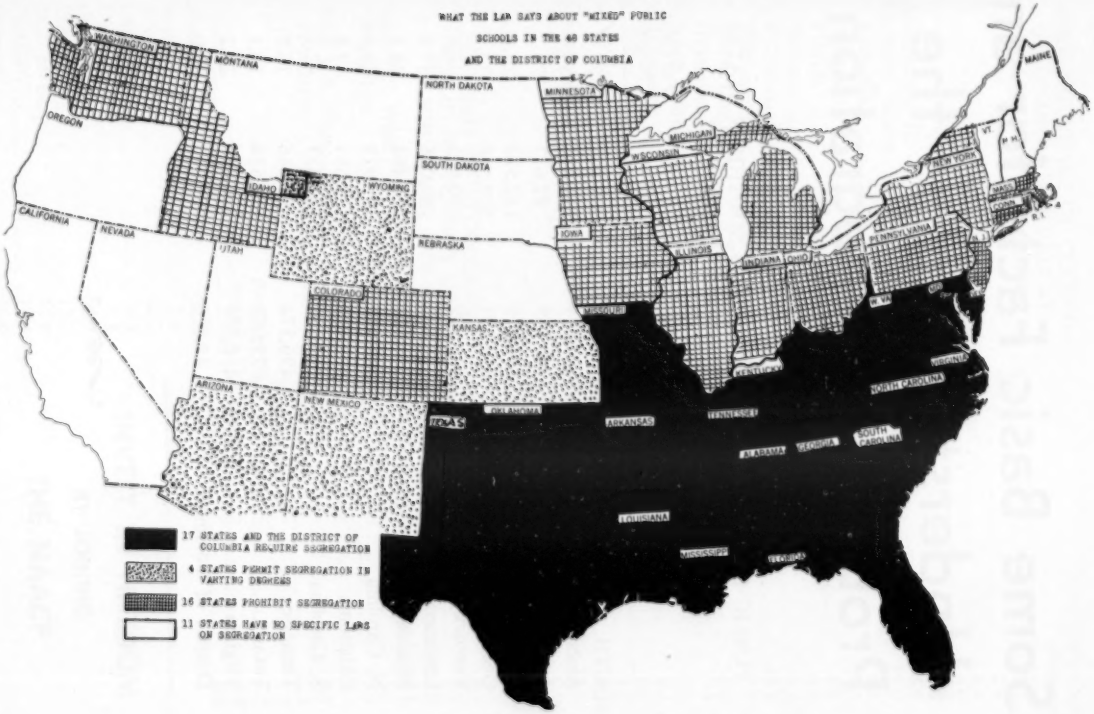
Dear Crisis Subscriber

THE NEXT ISSUE OF THE CRISIS IS

A COMBINED ISSUE, AUGUST-SEPTEMBER,

OUT SEPTEMBER 1

THIS WILL BE THE 43RD ANNUAL EDUCATIONAL NUMBER


WHAT THE LAW SAYS ABOUT "MIXED" PUBLIC
SCHOOLS IN THE 48 STATES
AND THE DISTRICT OF COLUMBIA
WASHINGTON
OREGON
CALIFORNIA
NEVADA
IDAHO
MONTANA
WYOMING
UTAH
ARIZONA
COLORADO
NEW MEXICO
NORTH DAKOTA
SOUTH DAKOTA
NEBRASKA
KANSAS
OKLAHOMA
TEXAS
MINNESOTA
IOWA
MISSOURI
ARKANSAS
LOUISIANA
WISCONSIN
ILLINOIS
MICHIGAN
INDIANA
OHIO
KENTUCKY
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
FLORIDA
SOUTH CAROLINA
NORTH CAROLINA
VIRGINIA
W. VA.
PENNSYLVANIA
NEW YORK
MAINE
17 STATES AND THE DISTRICT OF COLUMBIA REQUIRE SEGREGATION
4 STATES PERMIT SEGREGATION IN VARYING DEGREES
16 STATES PROHIBIT SEGREGATION
11 STATES HAVE NO SPECIFIC LAWS ON SEGREGATION

Some Basic Facts for an Understanding of the Problem of Integration

PUBLIC SCHOOL ENROLLMENT IN 13 SOUTHERN STATES AND THE DISTRICT OF COLUMBIA, 1952

	White	*Negro*	*Per Cent Negro*
SOUTH	5,580,450	1,902,001	25.4
Alabama	383,679	203,716	34.7
Arkansas	268,235	82,617	23.5
Florida	344,319	112,524	24.6
Georgia	429,951	207,578	32.2
Kentucky	446,909	30,696	6.4
Louisiana	276,662	169,048	37.9
Mississippi	244,605	226,864	48.1
N. Carolina	576,117	239,919	29.4
Oklahoma	373,083	31,684	7.8
S. Carolina	244,889	182,437	42.7
Tennessee	496,574	97,946	16.5
Texas	1,079,063	176,534	14.1
Virginia	416,364	140,438	25.2
District of Columbia	44,800	59,000	57.0

AVERAGE YEARS OF COLLEGE TRAINING RECEIVED BY CLASSROOM TEACHERS[1]

	1952 White	1952 Negro
Average for 12 Southern States	3.8	3.5
Alabama	4.1	3.4
Arkansas	3.4	3.1
Florida	4.2	4.0
Georgia	3.6	3.7
Louisiana	3.8	3.6
Mississippi	3.7	1.9
North Carolina	3.9	4.1
Oklahoma	4.1	4.1
South Carolina	3.7	3.4
Tennessee	3.3	3.6
Texas	4.2	4.1
Virginia	3.4	3.7

[1] From Harry S. Ashmore's *The Negro and the Schools* (1954), p. 158.

PER CENT OF NEGROES IN TOTAL POPULATION OF EACH STATE, 1950

Total U.S. White Population	135,215,000
Total U.S. Negro Population	14,894,000

	Per Cent Negroes
Alabama	32.0
Arizona	3.5
Arkansas	22.3
California	4.4
Colorado	1.5
Connecticut	2.7
Delaware	13.7
Dist. of Col.	35.0
Florida	21.8
Georgia	30.9
Idaho	0.2
Illinois	7.4
Indiana	4.4
Iowa	0.8
Kansas	3.8
Kentucky	6.9
Louisiana	32.9
Maine	0.1
Maryland	16.5
Massachusetts	0.1
Michigan	6.9
Minnesota	0.5
Mississippi	45.3
Missouri	7.5
Montana	0.2
Nebraska	1.5
Nevada	2.7
New Hampshire	0.1
New Jersey	6.6
New Mexico	1.2
New York	6.2
North Carolina	25.8
North Dakota	0.04
Ohio	6.5
Oklahoma	6.5
Oregon	0.8
Pennsylvania	6.1
Rhode Island	1.8
South Carolina	38.8
South Dakota	0.1
Tennessee	16.1
Texas	12.7
Utah	0.4
Vermont	0.1
Virginia	22.1
Washington	1.3
West Virginia	5.7
Wisconsin	0.8
Wyoming	0.9

INVEST IN FREEDOM

BY JOINING

THE NAACP

United Press Photo

THREE OF THE ATTORNEYS *who argued the cases against school segregation before the United States Supreme Court last December standing together in front of the Supreme Court building after the high tribunal ruled that segregation in public schools is unconstitutional. From left, George E. C. Hayes, Washington, D. C.; Thurgood Marshall, special counsel NAACP, New York City; and James Nabrit, Jr., attorney and professor of law at Howard University, Washington, D. C.*

Nation's Press on Segregation Ruling—

Some Editorial Excerpts

"FOUL BLOW"

The Register, Danville, Va.

Our own opinion is that a turn-coat court has misinterpreted a Force Amendment to strike a foul blow at public education in the South and at a way of life in the South which no court ruling can end by dictum.

"TERRIFIC BLOW"

Tuscaloosa News, Ala.

Action by the United States Supreme Court in ruling that segregation in public schools is unconstitutional is a terrific blow to Southern custom and sentiment.

"NO ADVANCEMENT"

Mobile Press, Ala.

The National Association for the Advancement of Colored People fought for the ruling that segregation in public schools is unconstitutional and naturally is cheering the decision. . . . But there is no advancement for colored teachers in this ruling.

"SLAVES OF LAW"

Jacksonville News, N. C.

It is hoped that this breaking down of custom and tradition can be bridged without too much friction. . . .

"WHAT WAS EXPECTED"

Mobile Register, Ala.

The United States Supreme Court has done precisely that which was expected—it has nullified state laws and held segregation unlawful. . . . The ultimate effect of this decision is something that only time can tell.

"NOT ENTIRELY POPULAR"

New Orleans State, La.

To say that its decision in this matter was not entirely popular with many Southern elected officials is to state the obvious.

"LAW OF LAND"

New Orleans Item, La.

The court's decision, however unpopular, is the law of the land and must be complied with.

"COOL HEADS"

Opelika News, Ala.

The vital need at this moment in our nation is for cool heads and great minds. Possible fuel for a disastrous explosion has been released.

"GREAT SHOCK"

Huntsville Times, Ala.

. . . A great shock . . . a crushing

blow to all the customs, traditions and modes, extending over more than 200 years, that have been built or grown up around the principle and practice of segregation.

"DECISION INEVITABLE"

Columbia Tribune, Mo.

Most thinking Americans will, we believe, agree that yesterday's decision of the United States Supreme Court was inevitable. . . .

"VICTORY AGAINST REDS"

Post-Dispatch, Mo.

Nine men in Washington have given us a victory that no number of divisions, arms and bombs could ever have won [in our struggle against Communism].

"STRIFE FORECAST"

Jackson Daily News, Miss.

It means racial strife of the bitterest sort. Mississippi cannot and will not try to abide by such a decision.

"APPLY INTELLIGENCE"

Charlotte News, N. C.

The South must apply its intelligence coolly and dispassionately and must find the resources for giving all its children equality of education.

"BALANCE UPSET"

Charleston News & Courier, S. C.

The court decision drove another nail into the coffin of states rights. In the past, the Constitution was a balance wheel. Now that balance has been upset and a new one must be established.

"ERA ENDS"

Dallas News, Texas

When unanimously the United States Supreme Court ruled school segregation unconstitutional, a long era came to an end. Whether we are better off for that, time alone will tell. . . . The effect will reach all interracial relations.

"TIME FOR CALM"

Richmond Times-Dispatch, Va.

This is a time for calm and unhysterical appraisal of the situation by the officials and people of Virginia and the other sixteen states affected.

"THINK CLEARLY"

Atlanta Constitution, Ga.

It is a time for Georgia to think clearly. Our best minds must be put to work, not to destroy, but to arrive at constructive conclusions. . . .

"HISTORIC DECISION"

Trenton Times, N. J.

What is especially encouraging about the Supreme Court decision is its frank and unqualified insistence that this country has no room for second-rate citizenship of the type implicit in a system of segregation.

"HISTORIC DECISION"

Newark Star-Ledger, N. J.

The historic decision yesterday by the Supreme Court—declaring unconstitutional race segregation in the public schools—is one of the most important developments in the touchy problem of race relations since the emancipation of the slaves during the Civil War.

"NEW GLORY"

New York City Post

The Supreme Court has given new glory to the idea of American democracy by the simple but majestic announcement that segregated schools de-

prive Negroes of "the equal protection of the laws guaranteed by the 14th Amendment."

"JOIN APPLAUSE"

New York City Daily News

We'll join in the applause for the U. S. Supreme Court's unanimous decision that race segregation in the nation's public schools must start getting out.

"TRUE EQUALITY"

New York Herald-Tribune

In yesterday's historic decision the Supreme Court of the United States squared the country's basic law with its conscience and its deepest conviction.

"DECISION INEVITABLE"

New York Times

. . . The decision reached was inevitable in the year 1954 regardless of what may have been the case in 1868, when the Fourteenth Amendment was adopted or in 1896, when the "separate but equal" doctrine was laid down in the case of Plessy v. Ferguson.

"MIGHTY BLOW"

Minneapolis Tribune, Minn.

The Supreme Court of the United States has now said with unmistakable clarity and emphasis that racial segregation in the public schools must come to an end. With this pronouncement it has also struck a mighty blow at racial intolerance in every other phase of our national life as well.

DID YOU KNOW —

That the Freedmen's Bureau, set up by Congress in 1865, launched more than 4,000 elementary schools in the South? These were all segregated schools.

★ ★ ★

That the southern segregated school operates under the same administrative structure as the white?

★ ★ ★

That the gap between white and Negro public schools in the South is greater in rural than in urban areas?

★ ★ ★

Good News

Stanley N. Greene of St. Albans, New York, was appointed storekeeper of Harlem Hospital, New York City, on April 12. Mr. Greene, who had been previously employed at Goldwater Memorial Hospital, is the first Negro to be appointed a storekeeper in a New York City hospital. Mr. Greene is also a member of the executive board of the Jamaica branch of the NAACP.

★ ★ ★

Dr. G. Alexander Galvin was one of three persons elected to membership on the board of education of Ithaca, New York, in a citywide election held in May. Dr. Alexander ("Bud") Galvin was born in Danville, Virginia.

★ ★ ★

This year's Anisfield-Wolf Award for the novel contributing most to the field of race relations has been won by Langston Hughes' *Simple Takes a Wife*.

★ ★ ★

One of the winners of the 1953 $2,000 International Contest conducted by the Eutectic Welding Alloys Corp., Flushing, N. Y., was John Henderson of Dunbar, West Virginia. The contest judges were greatly impressed by Mr. Henderson's metallurgical knowledge.

★ ★ ★

Robert J. Simmons, secretary of the Duluth, Minnesota, branch of the NAACP has been appointed a special deputy sheriff in St. Louis county, the largest and richest county in the state of Minnesota. Mr. Simmons is the first Negro to be appointed to this position.

★ ★ ★

The Cellowax Company, Baltimore, Maryland, awarded its annual "Certificate of Achievement" on April 25 to Charles W. Williams of the Charles W. Williams and Company of Trenton, New Jersey. This award is made annually to the one Cellowax dealer in the country who has the most outstanding sales record. Mr. Williams is the first Negro ever to win this award and is the only Negro in the janitor supply business in the United States on a commercial scale.

★ ★ ★

Cadet Sergeant LeRoy C. Turner of St. Albans, New York, was among the first Classmen (seniors) at the United States Military Academy, West Point, New York, graduated on June 8.

Mrs. S. E. Briggs of Paducah, Kentucky, was recently elected an honorary member of the Chicago Musical College Allumni Association. Mrs. Briggs is the only Negro graduate of the Louisville Conservatory of Music and the first Negro graduate of the Chicago Musical College.

★ ★ ★

David E. Longley, Richmond, Virginia; Horace Sudduth, Cincinnati, Ohio; W. D. Morison, Jr., Detroit, Michigan; and Lt. George W. Lee, Memphis, Tennessee; have been named to the National Board of Field Advisers to the Small Business Administration.

★ ★ ★

Harold A. Odom, Sr., Fort Worth, Texas, has been appointed racial relations officer in the public housing field office at Fort Worth, Texas.

Layne's Studio

BALTIMORE, MARYLAND, ARTIST *Anne Beadenkopf presents her oil painting "Innocent Prisoner" to Dr. Channing H. Tobias, NAACP board chairman. Painting hangs in national office on loan from Baltimore branch.*

Editorials

SEGREGATION DECISION

THE United States Supreme Court handed down a historic decision on May 17. By declaring racial segregation in the public schools to be unconstitutional, the Court took a step which will inevitably destroy present forms of segregation wherever practiced. The "separate but equal" fiction as legal doctrine now joins the horsecar, the bustle, and the five-cent cigar. While the NAACP and *The Crisis* hail this decision as marking a turning point in American race relations, we also feel it necessary to temper our exultation with the warning that this is a major battle won, not a campaign concluded. In fact, implementation of the decision remains to be argued this fall before the Court issues its decrees.

We are at that point in our fight against segregation where unintelligent optimism and childish faith in a court decision can blind us to the fact that legal abolition of segregation is not the final solution for the social cancer of racism.

WHILE the South as a whole has taken the Supreme Court decision in its stride, and there is more than a little evidence that many white Southerners are willing to comply with the decision, opponents of unified white and Negro public schools are trying to sow disunity by creating the impression that our highest tribunal has asked the South to do something that neither its white nor Negro citizens really want. A liberal southerner like Dr. Howard W. Odum has already been quoted (*Tarboro Southerner*, N. C.) as fearing that the South might lose its gains by reacting to the segregation ruling:

> Talmadge and his cohorts, on the one hand, and the NAACP extremists, on the other, by openly fanning the fires of physical conflict must surely be playing into the Communist strategy of divide and conquer as well as strengthening the demagoguery of McCarthy in the South.

Dr. Odum must know that he is talking nonsense when he halters us with Talmadge and suggests that the NAACP is an extremist organization. The Association has always worked within the law without appeals to violence; actually its goal is enforcement of basic constitutional law, because we want America to maintain her spiritual solvency by practicing her democratic principles.

On the other hand, there are those in the South who are arguing against immediate integration in the schools on the ground that "the change-over may require decades." This group is much more dangerous than the one that accuses us of extremism. They are the fellows who are inviting *local Negro leaders* to sit around the conference table to work out amicable solutions which will be "fair to both races." What this group wants is continued segregation. And they are stressing the achievements of southern Negroes in the segregated South.

WE shall, therefore, have to be on our guard against those who would stir up dissension by pinning hobgoblin whiskers on integrationists as well as those peddlers of soda-fountain syrup who are suddenly fearful of souring "friendly race relations in the South."

What should we Negroes do to facilitate integration? For what we do or fail to do will determine both the character and the speed with which we unify the bi-racial public school system of the South. First, the NAACP is absolutely opposed to any compromise of principle in the integration of white and Negro pupils in the public schools of the South. The Atlanta Declaration (P. 358) is emphatic on this point. Secondly, the NAACP is aware of the administrative problems involved in the changeover, but we are not going to coddle school boards and superintendents who may attempt to use these problems as an excuse for unnecessary delay or to avoid desegregation. The Association's credo is that the quicker the integration the better it will be for Negroes, the South, and America. And remember that we have other battles ahead of us.

DR. ALAIN LOCKE

DR. LOCKE died on June 9 in Mount Sinai Hospital, New York City, at the age of 68 after an illness of six weeks. He had retired from Howard University in June 1953 and had been living at 12 Grove Street, New York City.

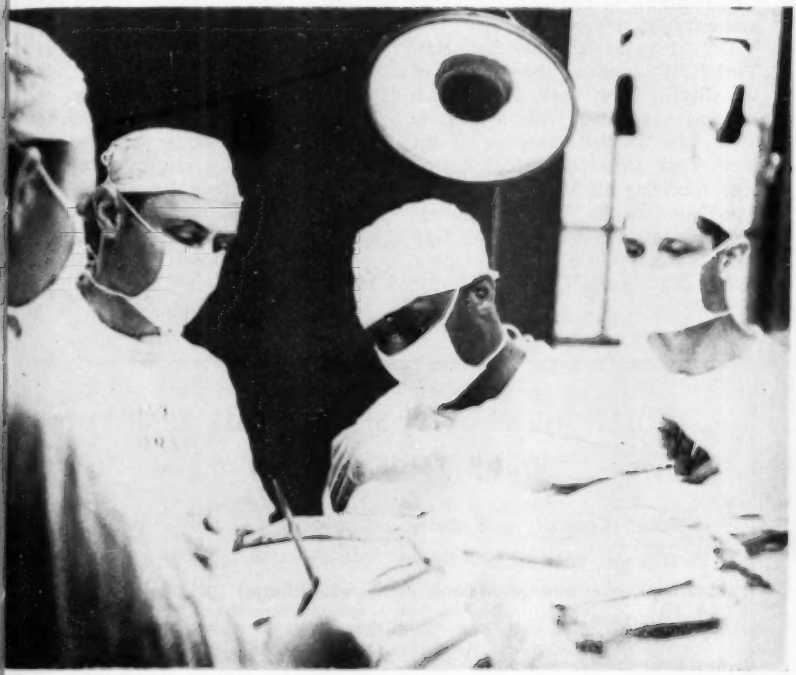
Young Locke started his career at the age of 26 as an assistant professor of philosophy and education at Howard after a brilliant student record and three years of study as a Rhodes scholar at Oxford University, England. He also studied at the University of Berlin and at Harvard, from which he received his doctorate.

He had been teaching for thirteen years before he provoked national attention with his anthology of prose and verse and picture titled *The New Negro* (1925). To Dr. Locke "the New Negro" was the Negro who had "renewed his self-respect and self-dependence," and it was Dr. Locke who acted as mid-wife at the birth of many of the books of this younger generation. Although their factitious prose came to be known as the "New Negro Literature," critical examination revealed more shock-grandma attitudinizing than genuine literary competence. Dr. Locke soon became identified with this Negro Renascence and for the next twenty-odd years championed Negro writing and explained Negro and African art to a somewhat sceptical public. Dr. Locke did much to free Negro writing from the stereotyped patterns inimical to art, and though he had critical sense and integrity his writings always had a certain effete and academic quality.

AT bottom Dr. Locke was the great teacher, and he did as much as any American, both as exchange professor in white colleges and universities and as writer, to familiarize his countrymen with Negro achievement in literature and the plastic arts. We will miss this culture ambassador.

AUBRE DE L. MAYNARD, M.D., F.A.C.S.
Surgical Director of Harlem Hospital
New York City

Addressed French Surgical Academy



Dr. Aubré Maynard, with his assistants, operating.

DR. Aubré de L. Maynard of New York City had the unique honor on July 1, 1954, of addressing l'Académie de Chirurgie de France, 12 rue de Seine, Paris, France. This is an honor accorded only to the world's leading surgeons and it is the first time that an American Negro surgeon has been asked to appear before this distinguished body, which has a limited membership of 154.

The Académie de Chirurgie de France is an outgrowth of the Académie Royale de la Chirurgie organized under the auspices of King Louis XV on October 7, 1731. The King's First Surgeon, Maréchal,

headed the organization and its 70 *titulaires* members.

Dr. Maynard, who is one of the world's leading thoracic surgeons, addressed l'Académie, in French, on "Penetrating Wounds of the Heart." Dr. Maynard is an accepted world authority on this subject.

Dr. Maynard, a native of New York City, attended the College of the City of New York, from which he was graduated with a B.S. in 1922. He studied medicine at the New York University Medical College, receiving his M.D. in 1926. He is a Fellow of the American College of Surgeons, a member of the New York Academy of Medicine, a member of New York Thoracic Surgical Society, and is the second Negro surgeon to have been elected to the exclusive and exceedingly select New York Surgical Society—which has a fixed numerical membership. He is also a Diplomate of the American Board of Surgery. In November 1952 he was appointed Surgical Director of Harlem Hospital, succeeding the late Dr. Louis T. Wright.

Dr. Maynard is the author of many scientific papers in his specialty and his writings have appeared in the world's leading surgical journals. His address before l'Académie de Chirurgie de France will be published in Mémoires de l'Académie de Chirurgie, official organ of the Academy.

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FIRST LINK LIFE MEMBERS—*Mrs. Henry McPherson (right), president of the Los Angeles, California, chapter of the Links Inc., presents NAACP administrator Ray Wilkins with a* $500 *check as payment for the chapter's life membership in the NAACP. The National Assembly of the Links adopted the life membership project on July* 26, 1952, *at their San Francisco meeting, and less than three months later, October* 20, 1952, *at Ciro's on Sunset Strip, the Los Angeles Links had paid their pledge in full, thus making this chapter the first to become life members. Others in the picture, from left, are Mrs. Cecil Murrell, cotillion chairman, Dr. Vada Somerville, and Mrs. Paul Williams.* BOTTOM: *Roy Wilkins receives freedom fund contributions totaling* $1,015.23 *from Mrs. Juanita Parr, general chairman of the branch fighting fund benefit drive in Omaha, Nebraska. From left, Carl Johnson, president Kansas City, Mo., branch; Mrs. Mildred Brown of the Omaha Star; George Curry, co-chairman of drive; and Rev. Mr. E. T. Streeter, Omaha branch president.*

Along the N.A.A.C.P. Battlefront

Atlanta Declaration

Map Plans: A program of action to implement the Supreme Court decision banning segregation in the public schools was mapped in Atlanta, Georgia, by southern and border state leaders of the NAACP in a two-day conference, May 22-23, with national office leaders. Attending the conference were state presidents, lawyers, and other NAACP representatives from 17 states and the District of Columbia.

Rev. Mr. J. M. Hinton, president of the South Carolina state conference of NAACP branches, was chosen chairman of the conference. Representing the national office were Walter White, executive secretary; Roy Wilkins, administrator; Thurgood Marshall, special counsel; Gloster Current, director of branches; Clarence Mitchell, director of the Washington bureau; and other staff members.

The conference was called in accordance with a resolution of the national board of directors which instructed "all our branches in every affected area to petition their local school boards to abolish segregation without delay and to assist these agencies in working out ways and means of implementing the Court's ruling."

The Atlanta Declaration, adopted by the conference, is as follows:

We, as representatives of the National Association for the Advancement of Colored People from seventeen Southern and Border States and the District of Columbia, have assembled here in Atlanta, Georgia, May 22-23, for the purpose of collectively developing a program to meet the vital and urgent issues arising out of the historic United States Supreme Court decision of May 17 banning segregation in public schools.

All Americans are now relieved to have the law of the land declare in the clearest language: ". . . in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." Segregation in public education is now not only unlawful; it is unAmerican. True Americans are grateful for this decision. Now that the law is made clear, we look to the future. Having canvassed the situation in each of our States, we approach the future with the utmost confidence. This confidence is based upon many factors including the pledges of support and compliance by governors, attorneys general, mayors, and education officials; and by enlightened guidance of newspapers, radio, television and other organs of public communication and comment.

We stand ready to work with other law abiding citizens who are anxious to translate this decision into a program of action to eradicate racial segregation in public education as speedily as possible.

We are instructing all of our branches in every affected area to petition their local school boards to abolish segregation without delay and to assist these agencies in working out ways and means of implementing the Court's ruling. The total resources of the NAACP will be made available to facilitate this great project of ending the artificial separation of America's children on the irrelevant basis of race and color.

While we recognize that school officials will have certain administrative problems in transferring from a segregated to a non-segregated system, we will resist the use of any tactics contrived for the sole purpose of delaying desegregation.

In pursuit of our objectives, we will accelerate our community action program to win public acceptance of the Court's desegregation order from all segments of the population. To this end, we are confident of the support of teachers, parents, labor, church, civic, fraternal, social, business and professional organizations.

We insist that there should be integration at all levels, including the assignment of teacher-personnel on a non-discriminatory basis. The fullest resources of the Association, including the legal staff, the research staff and educational specialists on the staff, will be utilized to insure that there will be no discrimination against teachers as a result of integration.

We are aware that our region has been overburdened in its effort to provide education for all children—in part because of the dual system—and accordingly, we strongly support federal aid to assist our states in the building of new schools and the expansion of educational facilities for all our children, provided that any such legislation contains the necessary safeguards to insure the distribution of funds in accordance with the requirements of the Court's decision.

We look upon this memorable decision not as a victory for Negroes alone, but for the whole American people and as a vindication of America's leadership of the free world.

Lest there be any misunderstanding of our position, we here rededicate ourselves to the removal of all racial segregation in public education and reiterate our determination to achieve this goal without compromise of principle.

SPINGARN MEDAL

Chicago Dermatologist Wins Medal: The Spingarn Medal, presented annually to a Negro American for distinguished achievement, has been awarded this year to Dr. Theodore K. Lawless, the noted Chicago dermatologist. Dr. Lawless was picked by a committee from among a large number of nominations.

The medal will be presented to Dr. Lawless at the 45th annual convention of the NAACP in Dallas, June 29-July 4. The Chicago scientist will

FREEDOM FUND PAYMENT—*John Logan (right), branch secretary, presents $1,006.50 check as branch payment on its 1954 freedom fund goal of $2,500 to W. Lester Banks, executive secretary of Virginia State Conference. From left, David Longley, insurance executive and branch vice-president, and Dr. J. M. Tinsley, local branch president, look approvingly on.* BOTTOM: *Floyd Cooper (left) and Reuben Bouie (third from left) are warmly congratulated for becoming "NAACP First Citizens" of Portsmouth, Va., by Edward Dudley, director of fighting fund for freedom, and Lester Banks. Both Cooper and Bouie made initial payments of $100 each on NAACP life membership during Dudley Day in Portsmouth.*

be the 39th recipient of the medal which was instituted in 1914 by the late J. E. Spingarn, then chairman of the board of directors of the NAACP. The award, a gold medal, was established to recognize and reward "distinguished merit and achievement among American Negroes" and to stimulate "the ambition of colored youth."

A member of such professional societies as the American Medical Association and the International Congress of Dermatology, Dr. Lawless is a diplomate of the American Board of Dermatology and Syphilology, a consultant of the United States Chemical Warfare Board, and a teacher of his speciality at the Medical School of Northwestern University. He has contributed extensively to the leading journals of dermatology in America and abroad.

Dr. Lawless was graduated from Talladega College in Alabama and from the Medical School of Northwestern University. He did graduate work in skin diseases and syphilology at the Vanderbilt clinic of Columbia University; the Massachusetts General Hospital, Boston; the St. Louis Hospital in Paris; the Kaiser Joseph Hospital in Vienna; and at other clinics and institutes in Germany, Switzerland and elsewhere.

In addition to his scientific achievements, Dr. Lawless is a successful business man, an active churchman, a philanthropist, a member of the board of trustees of four southern colleges, and a member of the advisory board of directors of the Chicago Civil Liberties Committee.

$75,000 MURRAY GRANT

Murray Fund Grant: The Philip Murray Memorial Foundation made a grant of $75,000 to the Association's Legal Defense and Educational Fund for "educational purposes in race relations in the name of Philip Murray, with the overall purpose of promoting and fostering, by educational means, the full acceptance of civil rights guaranteed by the American Constitution." Formal presentation of the award was made on May 12 at the International Center of the Carnegie Endowment for International Peace, New York City.

The grant, the largest ever made by a foundation to advance the program of the NAACP, was presented by CIO president Walter Reuther to NAACP president Arthur B. Spingarn.

"In no aspect of American life is there such an ugly gap as between what America preaches and practices in civil rights," Mr. Reuther asserted. "The United States must prove to other nations of the world that America's great material wealth will be put to a moral purpose."

Speaking on behalf of the Philip Murray Foundation, of which he is a trustee, Mr. Reuther said the grant is meant to help the NAACP in the "many tasks" it must do and the "many challenges" it must meet.

Accepting the check for the NAACP and its Legal Defense and Educational Fund, Mr. Spingarn declared: "I am confident this grant from the Philip Murray Foundation will serve to weld even more closely some common aims of the CIO, the NAACP, and the Legal and Educational Fund—

all of which work tirelesly to stop the exploitation, even persecution, of persons who, because of their economic situation, their race or national origin, are exposed to threats against their general welfare and their rights as human beings."

He expressed the hope that the grant will make possible the realization of a "mutual hope of the CIO and NAACP" of "achieving a more mature and enlightened climate of opinion in Americe."

A letter from Walter White, executive secretary of the NAACP, read by the Association's administrator, Roy Wilkins, described the work of the NAACP as "almost [a] half century of effort to dry-clean American democracy of its racial stains."

"From my 36 years of association with the NAACP," Mr. White's letter continued, "I am convinced that it is the most effective weapon yet devised against racial bigotry."

A telegram from James B. Carey, secretary-treasurer of the Philip Murray Foundation and of the CIO, and president of the CIO's International Union of Electrical Radio and Machine Workers, maintained that the opponents of racial democracy, clinging to their prejudices, "stand as a monument to the NAACP."

Another speaker, Mrs. Franklin D. Roosevelt, pointed out that what the United States does in the field of racial relations "is watched all over the world." Philip Murray, she said, "stood for justice and equality for all citizens of the United States."

Other speakers at the ceremonies were Arthur J. Goldberg, general counsel of the CIO and the United Steelworkers of America and director of the Philip Murray Foundation; the Hon. Averell Harriman, former U.S. ambassador and special assistant to President Truman, and a board member of the Philip Murray Foundation; Emil Rieve, president of the Textile Workers Union of America and chairman of the Philip Murray Foundation; and Willard Townsend, president of the United Transport Service Employees of America, CIO.

The bulk of the $75,000 will be spent during the next three years on educational projects designed to develop "understanding and acceptance of desegregation of institutions and activities under governmental control," according to the terms of the grant.

In addition, the NAACP will establish immediately an annual Philip Murray Award to be given to the individual or organization making an outstanding contribution in race relations during the past year or years.

The Board of Directors of the Philip Murray Foundation stated in presenting the grant:

". . . Philip Murray was an outstanding champion of civil rights for all the people. He hated injustice and discrimination of any kind. He insisted again and again that democracy has a moral responsibility to fight intolerance and to provide a better, more secure, life for every individual.

"Throughout his career, Philip Murray actively applied these principles to the trade union organizations in which he had the responsibility of leader-

ship. The changing, improving atmosphere of racial relations in America was a matter of pride to Philip Murray, and indeed, his own policy and program contributed substantially to evolutionary improvement of racial relations."

The spending of the $75,000 grant will be supervised and directed by a committee composed of Mr. Spingarn, Dr. Channing H. Tobias, chairman of the NAACP board of directors, Judge William H. Hastie, Mr. White, Thurgood Marshall, NAACP special counsel, and Mr. Goldberg.

The late Philip Murray was for several years a member of the board of directors of the NAACP.

The Philip Murray Memorial Foundation was established by the unions of the CIO with a fund of nearly $1,000,000 to honor the memory of the late president of the Congress of Industrial Organizations and the United Steelworkers of America, CIO.

RAFFLE WINNERS—*James Powers (left), president of the Brooklyn, N. Y., branch presents the keys to Mr. and Mrs. William Elliott of Bellrose, L. I., for their new hard-top Mercury. Mr. and Mrs. Elliott were first prize winners in the branch's 1954 fight for freedom drive.*

What the Branches Are Doing

Alabama: Recent purchase of an NAACP life membership by the Tuskegee Civic Association brings to four the number of such members taken out this year through the TUSKEGEE branch. Other life members are Mr. and Mrs. C. G. Gomillion (one each) and the Omega chapter of the Omega Psi Phi. Branch life membership goal for 1954 is fifteen.

California: The WEST COAST regional office reports that racial segregation in public housing, civil service, and the public schools in both California and other west coast states were dealt a serious blow by the historic Supreme Court decision in the school cases.

More than 50 delegates from California and Nevada met in Sacramento in May to lay plans for continuing the Ten Year Fight for Freedom. In Yuma, Arizona, the NAACP southwest area council condemned racial discrimination in local businesses while commending the Yuma and Tucson school boards for the democratic manner in which they are going about desegregation in their schools. In El Centro, California, the previously lily-white Harding Grammar School has enrolled a Negro child.

Connecticut: A group of graduate and post-graduate students at the Hartford Seminary Foundation discussed (in March) "Social Reform Now or Tomorrow" at the fifth annual symposium on world affairs of the HARTFORD branch. The panel speakers were Dr. Frederick Hung of China, the Rev. Mr. K. C. Mathew of Travancore, India, Absolom Vilakazi of the Union of South Africa, and the Rev. Mr. Max M. Eichrodt of Basel, Switzerland. The moderator was Thomas E. J. Kenna, editorial writer for The Courant.

The BRIDGEPORT - STRATFORD branch closed its 1954 membership campaign with 500 members. Mrs. Annette McCloe won first prize for reporting 85 members; Claude Parker, second prize for reporting 70 members. The prizes were donated by James Leon, local business man.

District of Columbia: At the regular meeting of its board of governors on April 20, 1954, the Medico-Chirurgical Society of the District of Columbia endorsed the proposal of its president, Dr. W. Montague Cobb, that every Negro doctor in the United States contribute at least $100 to the Fighting Fund for Freedom.

Florida: The 14th annual conference of branches in Florida voted to immediately implement the Supreme Court school cases decision in the state of Florida.

Illinois: The CHICAGO branch held a mass meeting on June 6 to celebrate the Supreme Court decision outlawing segregation in the public schools. This meeting also launched the fight for freedom fund campaign in Chicago. Community organizations have asked Chicago mayor Kennelley to stop the continuing disturbances at Trumbull Park Homes, as well as a special county and federal grand jury investigation of the whole Trumbull Park situation.

A civil suit to end segregation in the

Murphy

ARCHIE WEAVER

(*See below*)

Fairfield Park swimming pool was heard in the circuit court at Caryle in May. The suit was brought by the CENTRALIA branch.

ARCHIE WEAVER: "Capt. Archie L. Weaver, a civic leader here [Chicago] since the early 1900's, has been honored for his 'meritorious and unprecedented services' to the Chicago branch NAACP during the past 40 years.

"Weaver, 69, is one of the founders of the Chicago branch NAACP. He served in an official capacity for 30 years as its secretary, treasurer and a member of the executive committee.

"He joined a small group of progressive citizens in founding the local body in 1910, less than a year after the National NAACP was established in New York City. In the earlier years, his home was the only office of the Chicago branch.

"The citation was presented to Weaver at the 14th annual NAACP Tea held recently at Parkway ballroom. Inscribed on the mounted plaque were the following words:

" 'The Chicago Branch NAACP presents to Capt. Archie Louis Weaver on the occasion of his retirement as treasurer, this testimonial in recognition and appreciation of meritorious and unprecedented services to the cause: our only surviving charter member with a sustained and continuous active membership, and, now a Life Member of the National Association for the Advancement of Colored People; served the Branch in an official capacity for 30 years as secretary, treasurer, chairman of committees and member of the executive committee; gave his home as the only office of the branch in the earlier years, and, in 1933, the recipient of the only medal ever awarded by the Chicago Branch NAACP.'

"The citation was signed by Mrs. Cora M. Patton, president; and Mrs. Beatrice H. Steele, secretary. For Weaver, the award climaxed a long and eventful life of service to his fellow men. He prizes it above all the other medals, loving cups and gifts he has received." (Chicago Defender, April 10, 1954).

Iowa: The DES MOINES branch opened its 1954 membership campaign, goal 1,000 members, with a kick-off dinner of 100 members on April 6. Last December the branch paid $250 into the fighting fund for freedom and pledged to pay $500 in 1954. New NAACP life member from Iowa is Mrs. Frances M. Ashley.

The following members were present at the regional training conference, Omaha, Nebraska, April 23-25: Archie Greenlee, president; Mrs. Guy Green, secretary; Lorraine Collins, Clara Bayles, Georgine Morris, Guy Greene, Clifford Bayles, A. P. Trotter, and Sarah Jett. The branch presents a weekly radio program called "Community

OFFICE PARTY—*The New York City branch of the NAACP plays host to delegates to the Easter Regional NAACP Conference. The party was held in the office of the local branch.*

Hour," under direction of Leland Ahern. This program was started in October, 1953.

Kentucky: Horace Heidt, well-known showman, told the PADUCAH branch that he would never return to Paducah until the shameful jim-crow practices at the Tillghman High School auditorium were remedied. The jim-crow incident involved two Negro participants who were denied admission to the high school to participate in Mr. Heidt's show. The Day Law was the reason given, although this law, aimed originally at Berea College, prohibits Negroes and whites from attending elementary and high school together.

Louisiana: The ST. LANDRY PARISH branch, as the result of two law suits and a get out the vote campaign, has broken down the barriers to the Negro vote in Opelousas. Genesis of the voting drive was the brutal beating of Alvin Jones of New Orleans at the registrars office on June 5, 1950, and the assault upon the five other men who were with him.

Massachusetts: Isaac Kaplan, president of the Kaplan Furniture Company, Cambridge, is boosting the NAACP in its drive for funds and members.

Maryland: Representatives from the BALTIMORE branch and the state

conference were among those attending the stormy hearings held recently by the House Committee on interstate commerce on the bills introduced to end segregation in interstate travel.

Michigan: The DETROIT branch has denounced the Arthur Murray dance school in Detroit for continued racial bias and called upon the FCC and Station WJZ-TV to act immediately to stop further racial discrimination by the dance studio.

The branch said it had received a complaint from Mrs. Elli James, who reported that she had named the dance presented for the contest on the Arthur Murray TV-show last March 8 and that she received her certificate from the Detroit studio informing her that she had won free lessons from the studio. However, when she reported to the studio she was told they did not accept colored students.

Two Negroes, one a univerity student, were barred from remaining in a League House at ANN ARBOR when they went to pick up their white dates. The League House, located at 1811 Washtenaw, is owned by Mrs. Hollis Freeman. Mrs. Freeman commented that she does not believe that Negroes and whites should date socially, and added that some of the parents of girls in her house might object if they saw Negroes being entertained in her house.

League Houses are the private property of those who own them and have no official connection with the University of Michigan, although the university frowns on discrimination in these houses.

Minnesota: President Frank Smith of the St. Paul branch was speaker at the May 16 meeting of the MINNEAPOLIS branch. The state conference is still fighting for an FEPC bill.

ROBERT SIMMONS
Secretary of the Duluth, Minnesota, branch.

LINDA MARIE GLENN *is the daughter of William Glenn III, president of the Kaufman, Texas, branch. She became an NAACP member at the age of 1 day, August 21, 1953.*

The DULUTH branch is in the midst of its drive for 500 new members.

Robert J. Simmons, for many years active in the Duluth branch as secretary, has retired from government service after twenty-five years of work.

New Jersey: The May meeting of the PERTH AMBOY branch was devoted to outlining the purposes and aims of the NAACP freedom fund campaign. Plans were also made for a huge mass meeting to be held this coming October.

New York: The housing committee of the SYRACUSE branch is working vigorously under the leadership of Rev. Mr. James Massey to promote equality in local housing. The branch also supports the Metcalf-Baker bills designed to create a temporary commission to investigate discrimination and segregation in housing and to make recommendations for the elimination of these evils.

The BROOKLYN branch closed its "Two Car Award Campaign" with a monster benefit musical and fashion show at the Eastern Parkway Arena on May 28. Ella Fitzgerald, Harry Belafonte, Juanita Hall, and Steve Allen were among the entertainers.

The 1954 NAACP New York state conference convened at AMITYVILLE May 21-22. The conference issued a beautiful, illustrated souvenir program.

The eastern regional NAACP training conference was held April 9-10 in Freedom House, New York City.

North Carolina: Herbert Friday was elected president of the WEST ASHEVILLE branch to succeed Charles Elam, who was elected chairman of the branch executive committee.

Ohio: President Anthony Banks of the TOLEDO branch has made final plans for his branch's 1954 membership campaign under the chairmanship of Harold Strickland, executive secretary of the Indiana Avenue branch of the YMCA. Nelson Boldon is co-chairman, along with Miss Jean Green.

Pennsylvania: Dr. William Gray, pastor of Bright Hope Baptist church, was chairman of the 1954 membership drive (May 2-June 2) of the PHILADELPHIA branch. The campaign quota was 12,000 members. The branch is cooperating with the Philadelphia Commission on Human Relations in the breaking down of local employment barriers.

Judge Homer Brown of Pittsburgh was principal speaker at the April mass meeting of the DAUPHIN COUNTY branch. The meeting was a feature of the branch's membership drive for 1,000 members and $2,500.

Nearly 500 persons turned out to hear Dr. Archibald Carey, Jr., speak at the March 26 human rights' dinner of the PITTSBURGH.

Rhode Island: The 16th annual New England regional conference was attended by five delegates from the PROVIDENCE branch.

Tennessee: Upon the request of the NASHVILLE branch, in a resolution filed by councilman Z. Alexander Looby and supported by local organizations, the Nashville city council unanimously banned segregation at the Municipal Airport Restaurant. The resolution was supported by Mayor Ben West.

Virginia: Over 300 delegates from state branches met in RICHMOND on June 6 to plan and develop a program to implement the Supreme Court decision declaring segregated public schools unconstitutional. The delegates voted unanimous endorsement of the "Atlanta Declaration" of May 23.

At the NAACP Dudley Day mass meeting held recently in PORTSMOUTH, Floyd Cooper and Reuben Bouie made initial payments of $100 each on their NAACP life memberships.

College and School News

The new program of LINCOLN UNIVERSITY (Pa.), designed to make it a truly international institution in its second century of service, can be most significant and helpful for the United States' own forgein policy position, said Clarence E. Pickett. Mr. Pickett, the honorary secretary of the American Friends Service Committee, spoke at the concluding afternoon meeting of the Lincoln University Centennial Social Science Conference.

Lincoln, in Chester county, Pa., is the world's oldest institution founded for the higher education of Negroes. Theme of its Centennial celebration is "Free Persons in a Free World Through Education and Brotherhood."

Lincoln publishes an informative 15-page brochure "History and New Design of Lincoln University, 1854-1954." *Lincoln University Poets,* a centennial anthology containing the work of alumni who have distinguished themselves in the field of poetry, was published by The Fine Editions Press of New York City on May 1. This is the first anthology to be published for Lincoln since its founding 100 years ago.

■

Haile Selassie, Emperor of Ethiopia, received the honorary degree of Doctor of Laws from COLUMBIA UNIVERSITY at a special ceremony on June 2. Dr. Grayson Kirk, president of the university, conferred the degree.

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CADET SGT. LEROY TURNER
(*See "Good News," p.* 350)

Dr. B. R. Brazeal, academic dean and professor of economics at Morehouse college, delivered the commencement address at DUNBAR HIGH SCHOOL, Lexington, Kentucky. Among other participants on the program were Principal Paul L. Guthrie, Rev. Homer E. Nutter, minister of the local First Baptist church, and Superintendent John M. Ridgway of the Lexington public schools.

■

Dr. Ralph W. Sockman, pastor of Christ church, New York City, delivered the commencement address at BENNETT COLLEGE May 31. Dr. Howard Thurman, professor in the school of theology at Boston university, delivered the baccalaureate on May 30.

■

LIVINGSTONE COLLEGE's 72nd annual commencement address was delivered by Dr. Benjamin E. Mays, president of Morehouse college.

Dr. Shelby Rooks, St. James Presbyterian church, New York City, and Dr. Kenneth Irving Brown, director of the Danforth foundation, were the baccalaureate and commencement speakers, respectively, at the 87th commencement of BARBER-SCOTIA COLLEGE. Forty-one seniors were awarded degrees.

Nine members of the senior and junior classes became charter members of the Alpha Tau chapter of the Alpha Kappa Mu National Honor Society on May 22.

■

SHAW UNIVERSITY held its 89th annual commencement exercises in Raleigh Memorial Auditorium on May 31, with Dr. Albert Pincus Seltzer, physician and surgeon of Philadelphia, delivering the address. The baccalaureate sermon was preached by Dr. Ralph McLain, head of the department of religion at Meredith college. Degrees were conferred upon 107 candidates in the college of arts and sciences and the school of religion.

Two Shaw faculty members have been awarded Christian Foundations for Teaching scholarships for 1954 summer seminars. The scholarships were made possible through the Danforth Foundation. Ophelia MORRIS, instructor in English, will study at the University of Southern California; Dr. Foster P. Payne, dean of the college, will study at Union Theological Seminary, New York City.

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The 11th annual Institute of Race Relations will be held at FISK UNIVERSITY June 28-July 10 under the auspices of the Race Relations De-

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partment of Fisk and the Board of Missions of the Congregational Christian Churches.

Henderson A. ("Tubby") Johnson, 54, Nashville, Tennessee, director of physical education at Fisk for the past 29 years, died of a heart attack on May 2 at Hubbard Hospital. Funeral services were held on May 4 in the Fisk Memorial Chapel. Dr. Charles Johnson, president of Fisk, and Dr. Lyman Cady, acting dean of the chapel, officiated.

Mr. Johnson was a graduate of Fisk, '23, and Columbia university. He subsequently studied with Knute Rockne of Notre Dame. He leaves his widow and one son.

■

DILLARD UNIVERSITY'S 19th annual commencement speaker, on June 2, was the Rev. Bishop Marshall R. Reed, resident bishop of the Detroit area of the Methodist church. Dr. William King, minister of the Grace Congregational church, New York City, delivered the baccalaureate sermon. Some 65 graduates received their degrees.

Dr. Ralph J. Bunche was final lecturer in the 1953-54 Edwin R. Embree Memorial Lecture Series at Dillard.

Dr. A. W. Dent, Dillard president and recently re-elected president of the National Health Council, delivered the final address at the 50th anniversary meeting of the National Tuberculosis Association held in Atlantic City, N. J., May 17-21.

■

Three separate drives conducted by the college chapter of the NAACP at the UNIVERSITY OF ROCHESTER netted $200 for a scholarship to go

to a Negro student. The university will add $250 to the amount to make a $450 scholarship to go to Patricia Curtis, at present a senior at Madison high school. She will enter the college for women at the university in September.

■

HAMPTON INSTITUTE's Dr. Hugh M. Gloster, now on leave from his duties as chairman of the Institute's Communications Center, is one of the most popular and effective lecturer-professors currently serving in Japan under the Fulbright program.

■

Dr. R. W. Brown, now on leave as director of the Carver Foundation, addressed the spring dinner meeting of the Society of the Sigma Xi at TUSKEGEE INSTITUTE. Dr. Brown talked on the mass culture of HeLa, human cancer cells, in work with the virus of poliomyelitis.

■

The Hon. Clarence L. Simpson, Liberian ambassador to the United States, delivered the address at the commencement exercises on June 7 of the 87th session of MORGAN COLLEGE.

■

Gertrude Johnson of Baltimore, a French major and senior, has been awarded a Fulbright grant for study at the University of Besançon, France, in 1954-55. An honor student, Miss Johnson is the first Morgan student to be selected for the award.

A memorial plaque honoring Morgan men who died in World War II was formally dedicated at the college on May 13. The plaque was constructed by the state at a cost of $10,000. Morgan's seventh annual festival of fine arts closed May 5. . . . Students of economics are conducting a class research project to determine the economic and social adjustment of Morgan graduates. . . . Registration for the summer session will be held June 28. . . . Dr. Thomas Fraser, head of the department of science education, has been elected president of the Maryland Biology Teachers Association. . . . Dr. William Burghardt, head of the department of health and physical education, attended the first annual meeting of the National Research

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Institute and Workshop in Health, Physical Education and Recreation at Durham. . . . And James Lewis, acting head of the department of art, has received a $6,300 fellowship award from the Ford Foundation to cover research during 1954-55.

■

One of the world's finest and most valuable collections of North American moths has been given to THE AMERICAN MUSEUM OF NATURAL HISTORY by Rutgers university. Known as the J. B. Smith and G. D. Hulst Lepidoptera Collection, the group contains more than 32,000 specimens, including almost 6,000 species and 1,171 holotypes, or original specimens used to determine individual species. The collection is especially noteworthy for its specimens of noctuids and geometrids, the moths popularly known as millers, cut-worms, army-worms, inchworms, and spanners.

■

Choral groups from three Georgia colleges and one in Tennessee were featured during June on the current American Broadcasting Company choir series presented in cooperation with the UNITED NEGRO COLLEGE FUND. The colleges were Morehouse, Clark, Paine, and LeMoyne.

■

Annual conference of the Constitutional Convention of the Georgia Conference of Student Councils was held at ALBANY STATE COLLEGE on May 25.

First annual clinic for music directors will be held on the campus June 21-July 12, under the direction of W. H. Hamlin, assistant professor of music.

Commencement exercises were

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held on June 7, with Bishop Bertram Wilber Doyle of Nashville delivering the principal address. Rev. Thomas Jefferson Pugh, chaplain on leave at Albany State, delivered the baccalaureate sermon.

■

More than 45,000 individual opportunities for foreign study are described in the latest edition of *Study Abroad*, the annual handbook of fellowships, scholarships and educational exchanges published by the UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

■

Chicago publisher-president of the Johnson Publishing Company, John Harold Johnson, addressed the 138 graduates of CENTRAL STATE COLLEGE on June 9. In May, the Central State Players revived the 1936 Orson Wells' version of McBeth as written for the Federal Theatre Works.

In an address, "Some Questions and Problems Relating to the School Segregation Cases," to the National Advisory Committee on the Education of Negroes (Atlantic City, February 16, 1954), Dr. Howard Long of Central State attacked the "pervasive fear psychology" that the Supreme Court's decision outlawing segregation (this was before the decision was handed down) would lead to "bloodshed and riot."

■

The 1954 annual conference of the COLLEGE LANGUAGE ASSOCIATION was held at Atlanta university April 30-May 1. Many scholarly papers were read. Dr. Crawford B. Lindsay, chairman of the department of

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English at the Tennessee A. and I. State university, was elected president. The 1955 annual meeting will be held at Hampton Institute.

■

Dr. Gordon B. Hancock, pastor of the Moore Street Baptist church, Richmond, Virginia, was the principal speaker at the 77th annual commencement of FAYETTEVILLE STATE TEACHERS COLLEGE on June 1. There were 138 candidates for degrees, and twenty-one students received prizes and awards.

The annual fine arts festival of Fayetteville State was held on May 3-9. President James Seabrook delivered a series of addresses throughout North Carolina May 28- June 8. Dr. Rudolph Jones, dean, will direct the college summer session (June 10-July 17) in the absence of Dr. Joseph Douglass.

■

Opportunity News of the NATIONAL SCHOLARSHIP SERVICE AND FUND FOR NEGRO STUDENTS reports that the NSSFNS has helped, in the five years of its existence, to place 2,300 Negro students in over 280 interracial colleges with more than $450,000 of scholarship help.

■

Fifteen Negroes are among the forty-eight persons receiving the 1954-55 Opportunity Fellowships of THE JOHN HAY WHITNEY FOUNDATION. These awards total $100,000 and bring the number of awards made during the five year period to $485,000 and 243 persons.

■

Commencement speaker at TALLADEGA COLLEGE on June 7 was Dr. Arthur McGiffert, Jr., president of the Chicago Theological Seminary since 1946. There were sixty-five members in the graduating class.

■

President Bennar Turner of State Agricultural and Mechanical college, Orangeburg, South Carolina, was commencement speaker at LINCOLN UNIVERSITY (Mo.) June 7. Of the 103 persons who received degrees, 34 completed their requirements in January.

Twenty-eight awards and honors were given to students at Lincoln's annual honors convocation. A full-tuition scholarship to the University of Chicago has been awarded a 1952 Lincoln school of journalism graduate, Nina Redd. The award enables Miss Redd to pursue the newly-estab-

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lished master of arts in communication degree at the university. Lincoln school of journalism cited two publishers, three publications, an organization, and numerous contest winners during its sixth headliner week in May. Time, the Chicago Daily News, the City Club of Chicago, and the Southern Patriot received awards for significant contributions to better human relations. Citations of merit for outstanding performance in the field of journalism went to John Sengstacke, Chicago Defender publisher, and John Johnson, president of Johnson publications.

Lincoln was host May 2-4 to the 15th annual meeting of the American Association of College Business Officers; on April 29-May 1, to the National Conference of Teachers of Art in Negro Colleges, with nationally famous artist Thomas Hart Benton as guest speaker.

■

Fifty-five seniors were graduated from SPELMAN COLLEGE on June 7, with Dr. Bernice Cronkhite, dean of the graduate school at Radcliffe college, delivering the commencement address.

■

Fifty-six men received bachelor's degrees at the 86th annual commencement exercises of MOREHOUSE COLLEGE on June 8, with Philip Coombs, director of research of the Ford Foundation's Fund for the Advancement of Education, as the speaker.

Dr. B. E. Mays, Morehouse president, has accepted an invitation to serve as director of the American Association of Theological Schools Fund, Inc. Eighty-four Morehouse students qualified for the honor roll for the second semester of 1953-54. Richard John, sophomore, was awarded the College Language Association Ebony first prize in poetry for his poem, "Outside the Window." The cash award is $100.

Professor and Mrs. A. Russell Brooks and Dr. and Mrs. Edward Williams have been awarded travel grants of $2500 each for travel in Europe during the summer of 1954. Professor Brooks is associate professor of English; his wife is employed in the treasurer's office at Spelman. Dr. Williams is chairman of the department of economics; his wife is on the Spelman faculty.

The awards were made possible by a gift from a friend of Morehouse who donated $5000 to enable two faculty couples to travel "for the purpose of broadening their intellectual horizons, enriching their experience and enhancing, thereby, the effectiveness of their influence on their students."

■

ATLANTA UNIVERSITY's commencement speaker on June 7 was Dr. George Holland, president of the Institute of International Education. Seventy men and women received degrees.

Dr. William Boyd, chairman of the department of political science, was one of the nine members of the 21st annual Carolina Institute of International Relations held at Guilford college, Greensboro, North Carolina, June 6-11. Mrs. Eva Martin, resident director in personnel at Clark college is the recipient of the first Counselors Professional Certificate issued by the Georgia state de-

partment of education based on work done at Atlanta university.

■

Dr. Percy L. Julian, distinguished research scientist, delivered the address at the 69th commencement exercises of VIRGINIA STATE COLLEGE on May 31. Degrees were conferred upon 317 candidates.

Eighteen workshops and special projects will be conducted by Virginia State during the current summer—June 14-July 2; July 26-August 13.

Associate professor of economics Dr. Wilson Williams has been selected to receive a six-week fellowship for study at Case Institute of Technology, June 20-30. The college was host to the Annual Building Service Conference July 8-10. Four State students have been awarded scholarships of $50 each by the VSC General Alumni Association. The awards were made this year for the first time.

■

Dr. Ralph J. Bunche was commencement speaker at FLORIDA A AND M UNIVERSITY on May 31. Emmett Bashful, head of the department of political science, has been granted a fellowship by the Fund for the Advancement of Education of the Ford Foundation for further study at the University of Illinois.

MEMBERSHIP CAMPAIGN PRIZE WINNERS *of the Charlottesville, Virginia, branch: from left, Eugene Williams, chairman membership drive; Charles Fowler, branch president; Theodosia Jones, second prize winner, $35; Mrs. Cora Anderson, third prize winner, $25; and Mrs. Virginia Carrington, "Miss NAACP," $50.*

Book Review

SEGREGATED EDUCATION

The Negro and the Schools. **By Harry S. Ashmore. Foreword by Owen J. Roberts. Chapel Hill: The University of North Carolina Press, 1954. XV+228pp. $2.75.**

The historic decision of the United States Supreme Court declaring segregation in the public schools to be unconstitutional makes this a must book. Though *The Negro and the Schools* appears almost simultaneously with the Supreme Court decision, the Ashmore Project upon which it is based originated in 1953. "This volume, then, is a summary and interpretation of the findings of the more than forty scholars who labored at one time or another in what came to be called the Ashmore Project." The funds were advanced by the Fund for the Advancement of Education, a division of the Ford Foundation.

Though there was no such thing as bi-racial education 100 years ago, yet the first legal attack on segregation in the American public school was initiated in Boston, Massachusetts. Charles Sumner was the lawyer of record in this first school segregation case, and although there was no 14th Amendment nor Plessy v. Ferguson, The Massachusetts Supreme Court held against Sumner and handed down a decision which was in essence the long-lived "separate but equal" doctrine. In the South after the Civil War there was little public education for anybody, black or white. Though reluctant at first to educate the Negro, the South did during Reconstruction commit itself to public education of the Negro, "although it would be long imperfectly fulfilled."

Southern public schools are backward by national standards because the South is poor and because of the maintenance of dual school systems for the two races. The latter is an added financial burden.

From this point on Mr. Ashmore discusses all pertinent issues in the question of segregated public education: the currents of change, racial integration at the university level, how the new South is facing up to its new problems, what steps have been and are being taken to close the gaps between white and Negro schools, and the impact of the legal forces working against segregation. Part of the story is told in Part Two in figures and tables.

This comment by Mr. Ashmore is illustrative of the spirit of the study and his book:

"In any event my experience as a journalist in a company of scholars has strengthened my conviction that no problems are beyond resolution by reasonable men—not even the thorny ones that lie in the uncertain area between the polar attitudes of the American white, who does not yet accept the Negro as his equal, and the American Negro, who is no longer satisfied with anything less."

BLACK THRALLDOM

It's Good to be Black. **By Ruby Berkley Goodwin. Garden City: Doubleday & Company, Inc., 1953. 256pp. $3.50.**

Considering the position of the Negro in American society today one wonders what can be the matter with an individual who can say with honest belief that "It's good to be black." Certainly in this homespun, simply written book that narrates the life of a Negro girl and her family in the coal mining town of DuQuoin, Illinois, in the period surrounding the First World War, one cannot find any justification for Ruby Berkley Goodwin deluding herself about how fine it is to be ebony-hued. Although DuQuoin, like many other such places, was filled with Polish, Slav, Italian, Scotch, Irish, German, Greek and other unwanted immigrant stocks from Europe who came over steerage to help build the industrial might of America, yet it was the Negroes, living in their black ghetto, "the Bottoms," and who were more American in every way than any of the others, who were the pariahs of the town.

If Mrs. Goodwin thought it was good to be black, then why was she so upset when white children called her "Topsy" when Uncle Tom's Cabin came to town? Why did she feel so hurt when a white woman made a casual remark about a mine explosion, " 'Twasn't bad, just killed twenty mules and a nigger."? What provoked her father to unheard of anger when a little Negro boy laughingly repeated a line of Stephen Foster's song, "The head must bow and the back will have to bend, wherever the darky may go," and her father forbade her and her siblings to sing the song? Why was it that only the Negro children in DuQuoin were herded into the segregated Lincoln School instead of being allowed to attend school with all the other children of the community? Why was there such fear in Mrs. Goodwin and other Negroes when it was found that J. T. Perkins had killed a white man who had tried to break into his home and ravish his wife? Why was there such a terror and sadness pervading her when she heard Mr. Perkins relate how as a sharecropper in Mississippi he had to stand by and see his brother murdered in cold blood by the white farm owner because his brother refused to be cheated any longer out of his rightful share? Why was there such jubilation when the largest drugstore in town hired a Negro to work behind the counter, instead of in the customary job of slinging a mop and pushing a broom? Why did Mr. Warren object to his daughter Katharine going to play with her and other Negro children? Why were all Negroes found worshipping in separate all-Negro churches if it's so good to be black? The answers to all these questions are only too obvious.

If Mrs. Goodwin had written this volume in the 1920's —the period of the so-called Negro Renaissance when almost any Negro who could say his A-B-C's was looked upon as a genius by some patronizing wealthy whites looking for a thrill or seeking to ease their guilt-feelings for mistreating black fellow-Americans—it would have been hailed as a "classic" by the black literati and arty white folks from the Village. But today *It's Good to be Black*, with its stereotyped picture of Negro life full of knifing, down-home preaching, superstition, fried chicken and immature and unlettered Negroes, makes no real contribution towards improving relations between the races and shapes up as nothing but traditional Uncle Tom writing that the Negro today can well do without. In the latter sections one finds a touch of dignity as Mrs. Goodwin's father reflects upon the role of the Negro down through history. This reviewer hopes that if the author endeavors to put her pen to paper again she will let this dignity

and the light of cold facts stand forth, instead of once again painting an Amos-and-Andy picture as she did here.

HUGH H. SMYTHE

DR. HUGH H. SMYTHE teaches anthropology at Brooklyn College.

NEGRO RIGHTS

***The Negro in American Life and Thought: The Nadir, 1877-1901.* By Rayford W. Logan. New York: The Dial Press, 1954. 380pp. $5.00.**

Scholars have but recently begun substantial research in the history of American Negroes during the years stretching from Reconstruction to the First World War. It is perhaps only natural that this discouraging period should have been neglected while scholars exploited the more exhilarating materials on the Abolition Movement and on Reconstruction and similar topics. Rayford Logan's latest volume is, therefore, a welcome contribution.

Dr. Logan's book is significant as a contribution not only to Negro history, but also to the history of the ideas and attitudes of the American people as a whole. For in this volume he is less concerned with what Negroes themselves were doing than with their role in the larger life of the nation. And it is this role which he so effectively documents and illustrates.

The first part of the book is a panoramic treatment of the decline of the status of Negroes in the political and economic life of the nation. The author traces in detail the increasingly indifferent attitude of the national government at Washington. In less comprehensive fashion he treats of the growing oppressiveness of plantation life in the South, and of the crystallization of discriminatory practices among trade unions. Especially illuminating is the chapter on the role of the Supreme Court in whittling away Negro rights and legalizing segregation, a trend that culminated in the famous *Plessy v. Ferguson* decision of 1896. While aware of the role of the industrial capitalists and the industrialization of the South in these developments, the author places somewhat more emphasis on the purely political aspects than some other recent students of the period.

However, the most valuable section of the book consists of a series of chapters dealing with "The Mind of the North." Basing his work on a study of ten representative leading newspapers, and three outstanding magazines, the author documents, in striking fashion, the increasing indifference and animosity toward Negroes that characterized the middle-class reading public in the North during the generation after Reconstruction. There are also discussions of the rising "color line" in the North, and the stereotyping of Negroes in contemporary literature. Less penetrating is Logan's discussion of Booker T. Washington and the Atlanta Compromise, though he does a masterly piece of work in showing how opinions and news contained in southern journals contradicted, rather than justified, "The Wizard's" optimism and faith in southern white men. And finally there is a concluding discussion of Negro achievements in social and economic life that formed the foundation of later advancement.

All in all this volume is a valuable contribution to our growing knowledge of the period after Reconstruction. It will interest both scholars and general readers. It is especially significant as a study of how white Americans were thinking and acting in regard to Negroes during the last quarter of the nineteenth century.

AUGUST MEIER

AUGUST MEIER *is an assistant to the president of Fisk University.*

LEGAL DIRECTORY

The following directory of some of the many lawyers known to us is carried in response to numerous inquiries from readers desiring to contact attorney outside their home towns. The Crisis maintains no legal bureau, and the N.A.A.C.P. handles only cases involving color discrimination, segregation or denial of citizen rights.

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